

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRADLEY T. SHAW,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. 2:24-cv-01296-LK-DWC

ORDER SUBSTITUTING
RESPONDENT AND DIRECTING
SERVICE AND ANSWER, § 2254
PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner Bradley T. Shaw is currently incarcerated at the **Clallam Bay Corrections Center** and is subject to the Court's Prisoner E-Filing Initiative pursuant to General Order 06-16. The Court, having reviewed Petitioner's federal habeas petition, hereby finds and **ORDERS** as follows:

(1) Substitute Respondent

After filing the Petition, Petitioner filed a letter with the Court requesting that Respondent State of Washington be removed as the respondent in this action and Jeri Boe (the superintendent of Clallam Bay Corrections Center) be named as respondent in its stead. Dkt. 4. Therefore, the Clerk of Court is directed to substitute Jeri Boe as Respondent in this action.

1 (2) Service

2 The Clerk shall arrange for service, by e-mail upon Respondent Jeri Boe and upon the
3 Attorney General of the State of Washington, of copies of: the Petition, any other documents
4 filed in support of the Petition, and this Order. The Clerk shall also direct a copy of this Order
5 and of the Court's *pro se* instruction sheet to Petitioner.

6 (3) Answer to the Petition

7 Within ***forty-five (45) days*** after such service, Respondent shall file and serve an answer
8 in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District
9 Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted
10 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
11 file a dispositive motion in place of an answer without first showing cause as to why an answer is
12 inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the
13 answer on Petitioner.

14 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the
15 answer, Respondent shall note it for consideration no earlier than 28 days after filing. Petitioner
16 may file and serve a response not later than 21 days after the filing date of the response, and
17 Respondent may file and serve a reply not later than 28 days after the filing date of the motion.

18 (4) Filing by Parties, Generally

19 All attorneys admitted to practice before this Court are required to file documents
20 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.
21 All filings must indicate in the upper right hand corner the name of the United States Magistrate
22 Judge to whom the document is directed.

1 Any document filed with the Court must be accompanied by proof that it has been served
2 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall
3 indicate the date the document is submitted for e-filing as the date of service.

4 (5) Motions

5 Any request for court action shall be set forth in a motion, properly filed and served.
6 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
7 part of the motion itself and not in a separate document. The motion shall include in its caption
8 (immediately below the title of the motion) a designation of the date the motion is to be noted for
9 consideration on the Court's motion calendar.

10 (6) Direct Communications with District Judge or Magistrate Judge

11 No direct communication is to take place with the District Judge or Magistrate Judge with
12 regard to this case. All relevant information and papers are to be directed to the Clerk.

13 Dated this 25th day of September, 2024.

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16 David W. Christel
17 United States Magistrate Judge
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